

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 6 MAY 2015, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, TOWN HALL, LYMINGTON

Telephone enquiries to: Lyndhurst (023) 8028 5000
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PUBLIC PARTICIPATION:

*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Development Control Administration on Tel: 02380 285345 or E-mail: DCAdministration@nfdc.gov.uk

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AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 8 April 2015 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Solent House, 5 Bath Road, Lymington (Application 14/11785) (Pages 1 - 8)**
Use as 1 residential unit (Use Class C3)
Recommended: Planning consent subject to conditions.
- (b) **Golden Hill Cottages, Hare Lane, Hordle (Application 15/10064) (Pages 9 - 16)**
Variation of conditions 3 & 4 of planning permission 13/11416 to allow revised access and landscaping details.
Recommended: Planning consent subject to conditions.
- (c) **Drove End Farm, Drove End, Martin (Application 15/10085) (Pages 17 - 26)**
House; detached garage; access; parking; landscaping; demolition of existing – amendments to planning permission 99534 to include the siting of detached garage and the addition of an orangery.
Recommended: Head of Planning and Transportation authorised to grant planning consent.
- (d) **1 Malwood Road West, Hythe (Application 15/10262) (Pages 27 - 34)**
One and two-storey extension; single-storey front extension.
Recommended: Planning consent subject to conditions.
- (e) **10a The Parade, Ashley Road, Ashley, New Milton (Application 15/10280) (Pages 35 - 40)**
Use of building as offices.
Recommended: Planning consent subject to conditions.
- (f) **47 Parsonage Barn Lane, Ringwood (Application 15/10271) (Pages 41 - 46)**
Two-storey side and rear extension; single-storey rear extension; front porch; pitched roof over garage.
Recommended: Planning consent subject to conditions.
- (g) **16 Linden Way, Pennington, Lymington (Application 15/10222) (Pages 47 - 52)**
Raise ridge height; two-storey front and rear extension; front and rear dormers; rooflights; single-storey side extension.
Recommended: Refuse.

(h) **2 Daniells Close, Lymington (Application 15/10137) (Pages 53 - 58)**

Front dormers in association with new first floor; roof alterations; rear extension; front porch; fenestration alterations.

Recommended: Refuse.

(i) **110 Calmore Road, Totton (Application 15/10132) (Pages 59 - 66)**

One and two-storey side extensions; first floor rear extension; front bay window with porch canopy; first floor side bay window.

Recommended: Planning consent subject to conditions.

(j) **South Lodge, 52 Church Lane, Lymington (Application 15/10249) (Pages 67 - 72)**

Single-storey rear extension; porch; detached double garage with store over.

Recommended: Refuse.

(k) **Stoney Stack, 17 Ashley Lane, Hordle (Application 15/10040) (Pages 73 - 78)**

Retention of single-storey extension.

Recommended: Planning consent.

(l) **Pinetops Nurseries, Ramley Road, Pennington, Lymington (Application 15/10290) (Pages 79 - 96)**

Development of 47 dwellings comprised; 1 terrace of 3 houses; 12 pairs of semi-detached houses; 1 terrace of 4 bungalows; 13 detached houses; 3 semi-detached bungalows; single and double garages; associated parking; access roads; footpaths; open space; landscaping; demolition of existing.

Recommended: Head of Planning and Transportation authorised to grant planning consent.

4. LAND AT 4, 5 AND 7 HIVES WAY, LYMINGTON (EN/14/0762, EN/14/0531 AND EN/14/0533) (Pages 97 - 104)

To consider whether to take enforcement action against:

- The removal of boundary fences from the rear gardens
- The erection of 1.8 metre high close boarded fences to the rear
- The enclosure of open space
- The change of use of land to residential garden
- The removal of tree screen and hedgerow.

5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

Councillors:

Mrs D E Andrews
Mrs S Bennison
G F Dart
C J Harrison
Mrs A Hoare (Chairman)
C Lagdon
Mrs M E Lewis
J Penwarden
A W Rice
W S Rippon-Swaine

Mrs A M Rostand
Miss A Sevier
M D Southgate
A J Swain
M H Thierry
R A Wappet
Mrs C V Ward
Mrs B M Woodfield (Vice-Chairman)
P R Woods
Mrs P A Wyeth

STATUTORY TESTS

Introduction

In making a decision to approve or refuse planning applications, or applications for listed building consent, conservation area consent and other types of consent, the decision maker is required by law to have regard to certain matters.

The most commonly used statutory tests are set out below. The list is not exhaustive. In reaching its decisions on the applications in this agenda, the Committee is obliged to take account of the relevant statutory tests.

The Development Plan

The Development Plan Section 38

The Development Plan comprises the local development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If regard is to be had to the Development Plan for the purpose of any determination to be made the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Listed Buildings

Section 66 General duty as respects listed buildings in exercise of planning functions. Planning (Listed Buildings and Conservation Areas) Act 1990

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses.

Conservation Areas

Section 72 General duty as respects conservation areas in exercise of planning functions Planning (Listed Buildings and Conservation Areas) Act 1990

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the Planning Acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

Areas of Outstanding Natural Beauty (AONB's)

Section 85. General duty as respects AONB's in exercise of any function Countryside and Rights of Way Act 2000

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Trees

Section 197. Trees Town and Country Planning Act 1990

It shall be the duty of the local planning authority (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

Biodiversity

Section 40. Duty to conserve biodiversity Natural Environment and Rural Communities Act 2006

Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Conservation of Habitats and Species Regulations 2010

Under the provisions of the Conservation of Habitats and Species Regulations 2010, the Council has to ensure that development proposals will not have an adverse impact on the integrity of a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site and mitigation will be required.

Any development involving the creation of new residential units within the District will have such an impact because of the resulting cumulative recreational pressure on these sensitive sites. Under Policy DM3 of the adopted Local Plan Part 2, the Council's general approach is to recognise that the impact is adequately mitigated through the payment of contributions for the provision of alternative recreational facilities, management measures and monitoring.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Financial Considerations in Planning

Section 70 of the Town and Country Planning Act 1990 as amended by the Localism Act 2011 requires all reports dealing with the determination of planning applications to set out how "local financial considerations" where they are material to the decision have been dealt with. These are by definition only Community Infrastructure Levy (CIL) payments and government grant in the form of the New Homes Bonus.

New Forest District Council adopted a CIL charging schedule on 14 April 2014. The implementation date for the charging schedule is 6 April 2015. The New Homes Bonus Grant is paid to the Council by the Government for each net additional dwelling built in the District. The amount paid depends on the Council tax banding of the new dwellings and ranges between £798 and £2,304 per annum for a six year period. For the purposes of any report it is assumed that all new dwellings are banded D (as we don't actually know their band at planning application stage) which gives rise to grant of £1152 per dwelling or £6,912 over six years.